

UNCORRECTED PROOF

JOURNAL OF THE HOUSE.

Thursday, January 10, 2008.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God, Our Creator, we open this morning's legislative session with a prayer of petition in which we ask for Your gift of wisdom. The spiritual gift of wisdom enables us to select with confidence the right, the most rational and honorable options in legislative and personal matters. Your assistance also enhances our ability to deal with the often complex and emotional issues of the moment. Inspire us to continue our common efforts to build trust in each other and in our basic institutions which promote stable, peaceful, caring and ethical communities. Help us to develop a clear and accurate picture of the current and future needs of the people and our society in these changing and uncertain times.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Silent Prayer.

At the request of Mr. Murphy of Weymouth, the members, guests and employees stood for a moment of silent prayer in memory of James M. Davin, Jr., of Weymouth, who passed away on December 23, 2007. Mr. Davin for 30 years had been the leading proofreader for Eagle Graphics, Inc., Legislative Printers. A dear friend of the House Clerk's Office, Mr. Davin seldom worked fewer than 80 hours per week, striving for perfection in the printing of legislative documents.

Messages from the Governor.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating certain actions taken by the town of Abington (House, No. 4467) was filed in the office of the Clerk on Tuesday, January 8.

The message was read; and it was referred, on motion of Mr. McCarthy of East Bridgewater, with the accompanying draft of a bill, to the committee on Rules.

Mr. Scaccia of Boston, for said committee, reported on the foregoing message, a Bill validating certain actions taken by the town of Abington (printed in House, No. 4467). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on further motion of Mr. McCarthy, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on further motion of the same member, the bill (having been reported by the committee on Bills in the Third

Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to authorizing the town of Arlington to establish a special account for maintenance of its town water bodies (House, No. 4471) was filed in the office of the Clerk on Monday, January 7.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Calter of Kingston) congratulating Sean Walter Robbins on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Fagan of Taunton) congratulating Mary Fairbanks on the occasion of her ninetieth birthday;

Resolutions (filed by Mr. Fernandes of Milford) congratulating Devon Thomas Roy Fox on earning the Eagle Scout Award;

Resolutions (filed by Representatives Hall of Westford, Golden of Lowell, Nangle of Lowell and Atkins of Concord) recognizing Chelmsford High School Lions football team for winning the 2007 Division 1A Super Bowl;

Resolutions (filed by Ms. Peisch of Wellesley) honoring the Jewish Scouts of Greater Boston for their accomplishments, to be recognized at a special Scout Shabbat; and

Resolutions (filed by Mr. Torrisi of North Andover) on the occasion of the retirement of Detective Lieutenant John E. Garvin from the Massachusetts State Police;

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Ms. Wolf of Cambridge, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Annual Report of the Comptroller.

The printed abstract of the annual report of the Comptroller of the Commonwealth (under the provisions of Section 12 of Chapter 7A of the General Laws) exhibiting a statement of the financial condition and transactions of the Commonwealth for the fiscal year ending June 30, 2007, was referred to the committee on Ways and Means.

Special Report.

A report of the Health Insurance Connector Authority (under Section 43 of Chapter 205 of the Acts of 2007) submitting an analysis of the cost and feasibility of allowing employees who are offered employer-sponsored insurance ("ESI") and who would otherwise be eligible for Commonwealth Care, to participate in Commonwealth Care, was sent to the Senate for its information.

Initiative Petitions.

Initiative petition of Nehobe Kristine Acevedo and others for the passage of An Act to protect greyhounds (House, No. 4470) (received on January 8, 2008, from the Secretary of the Commonwealth, having been transmitted by him to the Clerk of the House of Representatives as required by Article XLVIII of the Amendments to the Constitution), was referred, under said Article and Rule 24, to the committee on Consumer Protection and Professional Licensure. Sent to the Senate for concurrence.

Initiative petition of Thomas R. Kiley and others for the passage of An Act establishing a sensible marihuana policy for the Commonwealth (House, No. 4468) (received on January 8, 2008, from the Secretary of the Commonwealth, having been transmitted by him to the Clerk of the House of Representatives as required by Article XLVIII of the Amendments to the Constitution), was referred, under said Article and Rule 24, to the committee on the Judiciary. Sent to the Senate for concurrence.

Initiative petition of Carla A. Howell and others for the passage of An Act small government act to end the income tax (House, No. 4469) (received on January 8, 2008, from the Secretary of the Commonwealth, having been transmitted by him to the Clerk of the House of Representatives as required by Article XLVIII of the Amendments to the Constitution), was referred, under said Article and Rule 24, to the committee on Revenue. Sent to the Senate for concurrence. To the committee on Revenue. Sent to Senate for concurrence.

Petitions.

Petitions severally were presented and referred as follows:

By Ms. Callahan of Sutton (by request), petition (subject to Joint Rules 12 and 7A) of William A. Martin that the retirement board of Worcester County be directed to grant credit to William A. Martin for certain years of employment with said county.

By Mr. Casey of Winchester, joint petition (subject to Joint Rule 12) of Paul C. Casey and Patricia D. Jehlen for legislation to establish a sick leave bank for Brian Leonard, an employee of the Department of Revenue.

By Ms. Gobi of Spencer, petition (subject to Joint Rule 12) of Anne M. Gobi and others for legislation to establish a sick leave bank for Tobby Ann Miller, an employee of the Department of Mental Retardation.

By Mr. Kafka of Stoughton, joint petition (subject to Joint Rule 12) of Louis L. Kafka and James E. Timilty relative to the eligibility of voters to vote in the Presidential primary in the current year.

By Mr. Kocot of Northampton, petition (subject to Joint Rule 12) of Peter V. Kocot and Stanley C. Rosenberg that the Department of Mental Retardation be authorized to establish a sick leave bank for Marya Panzica, an employee of said department.

By Mr. Koutoujian of Waltham, petition (subject to Joint Rule 12) of Peter J. Koutoujian for legislation to regulate incentive plans between insurance carriers and providers for the switching of prescriptions or medical products.

By Mr. Miceli of Wilmington, petition (subject to Joint Rule 12) of James R. Miceli for legislation to regulate the fees charged by the Registry of Motor Vehicles for renewal of reserved or special plates.

By Mr. Nyman of Hanover, petition (subject to Joint Rule 12) of Robert S. Creedon, Jr., for legislation to establish a sick leave bank for Judith Sargent, an employee of the Department of Public Health.

By Mr. O'Flaherty of Chelsea, petition (subject to Joint Rule 12) of Eugene L. O'Flaherty relative to the classification of prisoners under the jurisdiction of correctional institutions in the Commonwealth.

By the same member, petition (subject to Joint Rule 12) of Eugene L. O'Flaherty relative to the appointment of counsels to represent indigents with in the Private Counsel Division of the Committee for Public Counsel Services.

By Mr. Peterson of Grafton, petition (subject to Joint Rule 12) of George N. Peterson, Jr., relative to certain boundary lines of the town of Grafton and South Grafton water districts.

By the same member, petition (subject to Joint Rule 12) of George N. Peterson, Jr., and others for legislation to eliminate fees or charges imposed on applicants for the licensing or possession of firearms.

By Ms. Richardson of Framingham, joint petition (subject to Joint Rule 12) of Pam Richardson and Edward M. Augustus, Jr., that the Commonwealth be required to reimburse cities and towns for the loss of taxes of certain non-profit tax exempt corporations located in such municipalities.

By Mr. Walsh of Boston, petition (subject to Joint Rule 12) of Steven A. Tolman for legislation to place the name of Robert J. Haynes on the plaque in the State House installed in honor of Edward Cohen.

By Mr. Walsh of Lynn, petition (subject to Joint Rule 12) of Steven M. Walsh and John D. Keenan for legislation to provide a penalty for the illegal possession and carrying of a machete as a weapon.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

A Bill authorizing the investment of trust funds for the city of Northhampton (Senate, No. 2400) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports

Of the committee on Health Care Financing, asking to be discharged from further consideration

Of the Senate Bill restoring health benefits to eligible legal immigrants (Senate, No. 667); and

Of the Senate Bill relative to the protection and care of children in the Department of Social Services (Senate, No. 2390);

And recommending that the same severally be referred to the Senate committee on Ways and Means.

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence, insomuch as relates to the discharge of the committee.

A petition of James Thivierge for legislation to establish the taxpayer relief act, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Revenue.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2459) was referred, in concurrence, to the committee on Revenue.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules, that Joint Rule 7B be suspended on the petition of Denis E. Guyer and Stephen Stat Smith relative to conveying land from the town of Plainfield to the Plainfield Congregational Church. Under suspension of the rules, on motion of Ms. Walz of Boston, the

report was considered forthwith. Joint Rule 7B was suspended; and the petition (accompanied by bill) was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Daniel E. Bosley that the Division of Capital Asset Management and Maintenance be authorized to convey a certain parcel of land located in the city of North Adams to said city. Under suspension of the rules, on motion of Mr. Stanley of Waltham, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Bonding, Capital Expenditures and State Assets. Sent to the Senate for concurrence.

By Mr. Torrisi of North Andover, for the committee on Labor and Workforce Development, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1852) of David B. Sullivan and others relative to further regulating the location of exits in sports complexes, - - and recommending that the same be referred to the committee on Public Safety and Homeland Security. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the charter of the town of Braintree (House, No. 4398) [Local Approval Received] be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Driscoll of Braintree, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to an exchange of land in the town of Swansea (House, No. 4440) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Haddad of Somerset, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Honan of Boston, for the committee on Housing, on Senate, No. 18 and House, No. 2030, a Bill financing the production and preservation of housing for low and moderate income residents (House, No. 4472). Read; and referred, under Joint Rule 1F, to the committee on Bonding, Capital Expenditures and State Assets.

Engrossed Bills.

The engrossed Bill establishing a sick leave bank for Patricia Hiersche, an employee of the Department of Mental Retardation (see House, No. 4418) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill establishing a sewer system capital improvement fund for the town of Hadley (see House, No. 4217) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The Senate Bill authorizing the town of Hopedale to acquire certain property for municipal purposes (Senate, No. 2321), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

House bills

Relative to water betterment in the town of Brewster (House, No. 3955);
Relative to the town of Tisbury (House, No. 4194); and

Establishing a sick leave bank for Matthew Charleson, an employee of the
Department of Correction (House, No. 4436);

Severally reported by the committee on Bills in the Third Reading to be
correctly drawn, were read a third time; and they were passed to be engrossed.
Severally sent to the Senate for concurrence.

Order.

On motion of Mr. DiMasi of Boston,--

Ordered, That when the House adjourns today, it adjourn to meet on Monday
next at eleven o'clock A.M.

At ten minutes before twelve o'clock noon, on motion of Ms. Rogeness of
Longmeadow (Mr. Donato of Medford being in the Chair), the House adjourned, to
meet on Monday next at eleven o'clock A.M., in an Informal Session.